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Notice of Allowability

Application No.	Applicant(s)	
09/665,036	ILIC ET AL.	
Examiner	Art Unit	
Patricia Leith	1655	

	Patricia Leith		1655	
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in to or other appropriate commur GHTS. This application is su	this appli nication v	cation. If not include vill be mailed in due	ed course. THIS
1. This communication is responsive to <u>11/04/05</u> .				
2. ☑ The allowed claim(s) is/are <u>5-10,19-21 and 37-39</u> .				
3.	been received. been received in Application cuments have been received of this communication to file at ENT of this application. Itted. Note the attached EXAP is reason(s) why the oath or out the submitted. The Submitted of the Submitted of the Submitted of Submitted or its patent Drawing Review of Amendment / Comment or its patent of BIOLOGICAL MATE.	No in this not a reply common of the Office drawing a 1.121(d) RIAL miles	entional stage applicational stage applicational stage application of the front (not the sust be submitted. I	quirements
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ⊠ Interview Sur Paper No./N 8), 7. ⊠ Examiner's A	mmary (I Mail Date Amendm Statemer	<u>11/06/05</u> .	
			Patricia Leith Primary Examiner	

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/05 has been entered.

Claims 5-10, 19-21, 34-35 and 37-39 are pending in the application and were examined on their merits.

The drawings of 9/19/2000 are accepted by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Attorney Andrew Lawrence on 12/06/05.

IN THE CLAIMS:

Cancel claims 34 and 35.

Claim 5, last line, delete 'and tomato'.

Claim 39, after 'plant part is' insert – an apple --.

Claims 5-10, 19-21, 37-39 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on Monday - Thursday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia Leith Primary Examiner Art Unit 1655

12/07/05